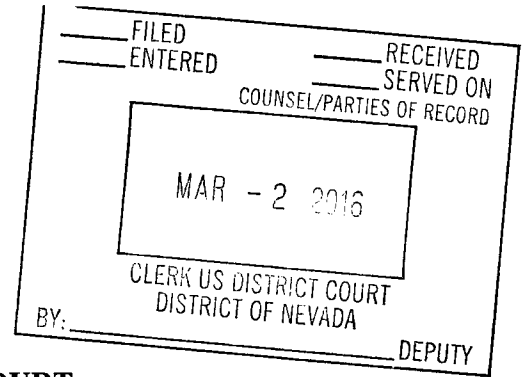


LEROY COLLINS
 Name H.D.S.P
P.O. BOX 650
INDIAN SPRINGS, NV
89070
13022
 Prison Number



**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

<u>LEROY COLLINS</u>)	<u>2:15-CV-0196-JCM-CWH</u>
Plaintiff,)	
)	
vs.)	CASE NO. _____
)	(To be supplied by the Clerk)
<u>PATRICK HENDRIX et al.</u>)	" FIRST AMENDED "
)	CIVIL RIGHTS COMPLAINT
<u>ROMERO ARAVAS</u>)	PURSUANT TO
)	42 U.S.C. § 1983
<u>DWIGHT NEVENS</u>)	
)	<u>JURY TRIAL DEMAND</u>
<u>GREG COX</u>)	
)	
Defendant(s).)	

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, LEROY COLLINS,
 (Print Plaintiff's name)
 who presently resides at HIGH DESERT STATE PRISON, were
 violated by the actions of the below named individuals which were directed against
 Plaintiff at HOSP INDIAN SPRINGS, NV 89070 on the following dates
 (institution/city where violation occurred)
12-1-14, 12-1-14, and _____.
 (Count I) (Count II) (Count III)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant PATRICK HENDRIX resides at UNKNOWN,
(full name of first defendant) (address if first defendant)
and is employed as Maintenance Man. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex rel Nevada Department of Corrections

3) Defendant DWIGHT NEVELS resides at UNKNOWN,
(full name of first defendant) (address if first defendant)
and is employed as Warden at H.D.S.P. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex rel Nevada Department of Corrections

4) Defendant ROMERO ARANAS resides at UNKNOWN,
(full name of first defendant) (address if first defendant)
and is employed as Medical Director. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex rel Nevada Department of Corrections

5) Defendant GREG COX resides at UNKNOWN,
(full name of first defendant) (address if first defendant)
and is employed as Director of N.D.O.C. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex rel Nevada Department of Corrections

6) Defendant _____ resides at _____
 (full name of first defendant) (address if first defendant)
 and is employed as _____. This defendant is sued in his/her
 (defendant's position and title, if any)
 _____ individual _____ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

(1) LEROY COLLINS hereinafter "Plaintiff" while being housed at High Desert State Prison "H.D.S.P" on 12-1-14 at or around 1:08 pm. while walking inside the main entrance area of Unit 9-12 'Dog run' was suddenly struck by "a half ton electric motor vehicle cart" by Defendant Patrick Hendrix as he speeded through the dog run, laughed at the incident and kept going. Plaintiff was sent into a wire gate.

(2) Due to the fact that Plaintiff was hit by the motor vehicle cart his physical health has degenerated, his knee became swollen, after X-Rays were taken shows the force of the impact caused an extreme form of arthritis, his retina is detached along with neck and back injuries. Defendants Romero Aranas, Dwight Nevens and Greg Cox fail to treat his medical needs that Plaintiff in pain now suffers from. Plaintiff reserves the right to amend this complaint as new evidence becomes available.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: EIGHTH AMENDMENT RIGHT TO PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT AND FOURTEENTH AMENDMENT DELIBERATE INDIFFERENCE TO HEALTH AND SAFETY.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff incorporates and realleges paragraphs 1-2 in the nature of the case as specifically alleged herein.

(3) Plaintiff was denied and deprived of his Eighth Amendment right against cruel and unusual punishment clause and Fourteenth Amendment right Deliberate Indifference To his Health and Safety by Defendants Patrick Hendrix and Dwight Nevens when Defendant Hendrix speeded through the main entrance of units 9-12 "DOG RUN" when several inmates were returning to their specific work assignment and crashed into their rear left backside of Plaintiff's body that violently hurtled or spun him into an adjoining gate with a half ton electric motor vehicle cart without stopping, laughing as he speeded away with the purpose and intent to cause unnecessary wanton infliction of pain.

(4) Defendant Nevens knew of the Risks and Dangers that could have occurred of inmates being possibly hit by these electrical motor carts by N.D.O.C staff due to the fact that H.D.S.P Inmates filed grievances and on many occasions verbally informed Defendant Nevens

of those dangers because of several M.D.O.C staff driving reckless through the 9-12 "Dog Run". which nearly ran over numerous inmates.

(5) Defendant Hendrix and Neven knew that the Unit 9-12 dog run is limited to size and a electrical cart due to its size must slow its speed when traveling when inmates are traveling the same path. Even in society when pedestrians and vehicles are crossing paths, the pedestrian always have the right of way. Furthermore because Defendant Neven knew of the risks he failed to take the necessary steps to abate it.

(6) The electric cart was traveling at a speed of more than six miles an hour when it struck the Plaintiff Defendant Hendrix had the intent to cause unnecessary wanton infliction of pain when he speeded through the "Dog Run" and struck Plaintiff. (1) he did not utilize the electric cart horn to warn inmates that he was in the "Dog Run", (2) after he struck Plaintiff which hurled him into the gate. he did not stop but increased his speed and laughed as he fled.

(7) Due to the cart crashing into Plaintiff which has caused numerous physical injuries. Plaintiff's physical health is now degenerating. He suffers from back pain, neck pain, bruised knee, a detached retina and other internal damages due to the reckless disregard of Defendant Hendrix.

(8) Defendant Hendrix and Nevens knew of the potential dangers of H.D.S.P staff of speeding through the 9-12 "Dog Run" due to the fact that Defendant Nevens was forewarned by Grievances and was informed verbally by numerous inmates Defendant Hendrix knew that his actions of speeding through the "Dog Run" then striking Plaintiff with a vehicle laughing and continued to speed away, was a blatant, chill and violation of Plaintiff's Eighth and Fourteenth Amendment Rights as guaranteed by the U.S. constitution.

WHEREFORE Plaintiff prays for judgment as is more fully enumerated.

COUNT II

The following civil rights has been violated: EIGHTH AMENDMENT

DELIBERATE INDIFFERENCE? DELIBERATE INDIFFERENCE

TO MEDICAL NEED

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

PLAINTIFF INCORPORATES AND REALLEGES HERE PARAGRAPHS
1-2 OF THE NATURE OF THE CASE AS SPECIFICALLY ALLEGED HEREIN

(8) Plaintiff was denied and deprived of his Eighth
Amendment right to deliberate indifference to his medical
needs by Defendants Romero Aranas, Dwight Neven and Greg
Cox when they denied Plaintiff medical treatment he sought
after being ~~ran~~ over by a half-ton electrical vehicle cart,
which caused injuries to Plaintiff's knee which became
excessively swollen, including damages of arthritis to his
neck and back which keeps Plaintiff in constant pain
making it hard for him to walk. the force of the vehicles
impact also detached the retina from his eye.

(9) Defendants Nevens, Cox and Aranas enforces,
promotes and promulgate a policy that denies inmates with
serious injuries from receiving medical care. After the
Plaintiff was hit by the electrical cart, he received
IBUPROFEN and Pills for his knee.

(10) Plaintiff also requested medical attention
for his neck and back Defendants Neven, ARANAS stated

COUNT II CONTINUED...

in several Kites on 1-8-15, 1-25-15, 2-16-15, 3-9-15, 3-25-15 and numerous of other Kites with different dates¹¹ that he would be seen by a provider. However to this current date, Plaintiff has not been seen by any specialist to treat the injuries to his neck and back. ALSO GRIEVANCE # 26062999836

(11) Plaintiff has not been provided any medical treatment for his neck and back injuries. Defendants know of the severity of this injury and what type of pain it causes. Defendants also know that if these injuries are not treated the condition of the arthritis will worsen causing paralysis.

(12) Defendants Aranas, Nevens and Cox knew that the immediate injuries that Plaintiff have sustained from the incident of the vehicle hitting Plaintiff in the back has caused Plaintiff pain and injury. which Defendants Aranas, Nevens and Cox are failing to provide any medical treatment, including the alleviation of pain and diagnosing any internal damage that he has sustained was a chill, infringement and blatant violation of plaintiff's constitutional rights under the Eighth Amendment under the U.S. constitution.

WHEREFORE Plaintiff Prays for Judgment as is more fully enumerated

D. Plaintiff has not filed other actions in state or federal court involving the same or similar action.

outline).

- a) Defendants: _____
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**
____ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.

If your answer is "Yes", provide the following information. Grievance Number 20062991828
Date and institution where grievance was filed 12-4-14-HDSP.

Response to grievance: denied

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

- (1) That this court maintain jurisdiction of this case,
(2) punitive damages of 100,000⁰⁰ against each Defendant
(3) Compensatory damages of 1.2 million.
(4) General and compensatory damages of \$ 10,000⁰⁰
(5) All medical cost and treatment now and future complications be charged to the N.D.C.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

TARZ MITCHELL (#63139)
(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Leroy Collins
(Signature of Plaintiff)

8-29-15
(Date)

(Additional space if needed; identify what is being continued)

DeRoy Collins #13022
H-D-S-P.
P.O. Box 650
Indian Springs NV.
89070

"
~~DeRoy Collins~~
"



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